

AMENDED IN SENATE AUGUST 24, 1998
AMENDED IN SENATE AUGUST 20, 1998
AMENDED IN SENATE AUGUST 12, 1998
AMENDED IN SENATE JULY 1, 1998
AMENDED IN SENATE JUNE 25, 1998
AMENDED IN ASSEMBLY MAY 22, 1998
AMENDED IN ASSEMBLY APRIL 28, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2283

**Introduced by Committee on Agriculture (Cardoza (Chair),
Battin, Bordonaro, Brown, Frusetta, House, Machado,
Murray, Prenter, and Thomson)**
(Coauthors: Senators Costa, Johannessen, and Monteith)

February 19, 1998

An act to amend, repeal, and add Sections 2272 and 2282 of, and to add and repeal Sections 2282.5 and 2287 of, the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2283, as amended, Committee on Agriculture. Pest control.

(1) Existing law authorizes the Secretary of Food and Agriculture or the Director of Pesticide Regulation to allocate

annually to each county an amount not to exceed $\frac{1}{3}$ of the amount expended by the county during the previous fiscal year for programs of joint responsibility under the jurisdiction of the secretary or the director.

This bill would enact the Pest Exclusion Funding Act. The bill would ~~require~~ *provide that* the development of a pest exclusion work plan for allocation of the funding ~~in the 1998-99 fiscal year budget pursuant to the bill to appropriated in a specified item of the Budget Act of 1998~~ shall be the joint and mutual responsibility of the Department of Food and Agriculture and the county agricultural commissioners. The bill would require the department to develop criteria for the development of the work plans and for allocating the funds, as specified. The bill would provide that in no case may the allocation of funds be ~~less than~~ *substantially used to replace* the amount expended in each county for the exclusion of high-risk pests ~~during~~, *based on levels established in* the 1997-98 fiscal year. The bill also would require each county, in order to remain eligible for funding under the bill, to maintain support of ongoing operational costs of specified county agricultural commissioner programs at 1997-98 levels.

(2) Existing law provides for the appointment of a county agricultural commissioner in each county who, among other things, is responsible for the enforcement of pest control laws and regulations within that county.

This bill would authorize the commissioner, upon determining that it is necessary to more effectively or more efficiently carry out a pest control program, as specified, to enter into a mutual aid agreement with other counties for the purpose of sharing staff, equipment, expertise, information, and other resources necessary to meet the needs of the program.

(3) Existing law requires each county agricultural commissioner to make an annual report to the Secretary of Food and Agriculture on the condition of agriculture in his or her county and on what is being done to eradicate, control, or manage pests, and actions relating to the exclusion of pests or quarantine against pests.

This bill would authorize, rather than require, each county agricultural commissioner to prepare the annual report and

would require each county agricultural commissioner to submit, on a form approved by the secretary, a monthly report to the secretary concerning the commissioner's activities in specified joint programs. This requirement would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(5) The changes proposed by this bill would be repealed July 1, 1999.

(6) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be
2 cited, as the Pest Exclusion Funding Act.

3 SEC. 2. The Legislature finds and declares that the
4 exclusion of exotic pests from California is of paramount
5 importance in maintaining the economic vitality of this
6 state.

7 SEC. 3. Section 2272 of the Food and Agricultural
8 Code is amended to read:

9 2272. (a) The commissioner shall submit, on a form
10 approved by the secretary, a monthly report to the
11 secretary concerning the commissioner's activities in the
12 programs listed in paragraphs (1) to (10), inclusive, of
13 subdivision (b) of Section 2282. The commissioner may
14 prepare an annual report on the condition of agriculture

1 in his or her county and on what is being done to
2 eradicate, control, or manage pests, and actions relating
3 to the exclusion of pests or quarantine against pests. The
4 commissioner may include in the annual report
5 information relating to organic farming methods,
6 biotechnology, integrated pest management, and
7 biological control activities in the county. The
8 commissioner shall also furnish from time to time to the
9 director any other information the director may require.

10 (b) This section shall remain in effect only until July 1,
11 1999, and as of that date is repealed, unless a later enacted
12 statute that is enacted before July 1, 1999, deletes or
13 extends that date.

14 SEC. 4. Section 2272 is added to the Food and
15 Agricultural Code, to read:

16 2272. (a) The commissioner shall make an annual
17 report to the director on the condition of agriculture in
18 his or her county and on what is being done to eradicate,
19 control, or manage pests, and actions relating to the
20 exclusion of pests or quarantine against pests. The
21 commissioner may include in the annual report
22 information relating to organic farming methods,
23 biotechnology, integrated pest management, and
24 biological control activities in the county. The
25 commissioner shall also furnish from time to time to the
26 director any other information the director may require.

27 (b) This section shall become operative July 1, 1999.

28 SEC. 5. Section 2282 of the Food and Agricultural
29 Code is amended to read:

30 2282. (a) Except as provided in Section 2282.5, the
31 Secretary of Food and Agriculture or the Director of
32 Pesticide Regulation may allocate annually to each
33 county an amount determined by the secretary or the
34 director not to exceed one-third of the amount expended
35 by the county during the previous fiscal year for the
36 programs of joint responsibility. The allocations shall be
37 made from funds appropriated to the secretary or the
38 director for purposes of carrying out activities of joint
39 responsibility with the commissioners at the local levels.



(b) The annual report to the Legislature described in Section 2281 shall include his or her findings for each of the following joint programs, including the amounts allocated to and expended by the counties in the previous fiscal year and the proposed amount to be allocated by the secretary for each program for the ensuing budget year:

- (1) Pest detection.
- (2) Pest eradication.
- (3) Pest management control.
- (4) Pest exclusion.
- (5) Seed inspection.
- (6) Nursery inspection.
- (7) Fruit and vegetable quality control.
- (8) Egg quality control.
- (9) Apiary inspection.
- (10) Crop statistics.

The report shall also specify the programs that have been augmented with state funds each year since 1980 because of new legislative mandates, or because of pest infestations or outbreaks occurring since that date, and the annual amounts of those augmentations.

(c) This section shall remain in effect only until July 1, 1999, and as of that date is repealed, unless a later enacted statute that is enacted before July 1, 1999, deletes or extends that date.

SEC. 6. Section 2282 is added to the Food and Agricultural Code, to read:

2282. (a) The Secretary of Food and Agriculture or the Director of Pesticide Regulation may allocate annually to each county an amount determined by the secretary or the director not to exceed one-third of the amount expended by the county during the previous fiscal year for the programs of joint responsibility under the jurisdiction of the secretary or director, as applicable. The allocations shall be made from funds appropriated to the secretary or the director for purposes of carrying out activities of joint responsibility with the commissioners at the local levels.

(b) The annual report of the Secretary of Food and Agriculture to the Legislature required by Section 2281

1 shall include his or her findings for each of the following
2 joint programs, including the amounts allocated to, and
3 expended by, the counties in the previous fiscal year and
4 the proposed amount to be allocated by the secretary for
5 each program for the ensuing budget year:

- 6 (1) Pest detection.
- 7 (2) Pest eradication.
- 8 (3) Pest management control.
- 9 (4) Pest exclusion.
- 10 (5) Seed inspection.
- 11 (6) Nursery inspection.
- 12 (7) Fruit and vegetable quality control.
- 13 (8) Egg quality control.
- 14 (9) Apiary inspection.
- 15 (10) Crop statistics.

16 The report shall also specify the programs that have
17 been augmented with state funds each year since 1980
18 because of new legislative mandates, or because of pest
19 infestations or outbreaks occurring since that date, and
20 the annual amounts of those augmentations.

21 (c) This section shall become operative July 1, 1999.

22 SEC. 7. Section 2282.5 is added to the Food and
23 Agricultural Code, to read:

24 2282.5. (a) The development of a pest exclusion work
25 plan for allocation of the funding ~~in the 1998-99 fiscal year~~
26 ~~budget pursuant to this section appropriated in Schedule~~
27 ~~(a) of Item 8570-101-0001 of Section 2.00 of the Budget Act~~
28 ~~of 1998 shall be the joint and mutual responsibility of the~~
29 ~~department and the county agricultural commissioners.~~
30 The department shall develop criteria for the
31 development of the work plans and for allocating the
32 appropriated funds based upon ~~each county's pest~~
33 ~~exclusion activities, costs, workload, and performance.~~
34 *The the costs, workload, and performance of each*
35 *county's pest exclusion activities. In order to determine*
36 *the effectiveness of high-risk pest exclusion programs in*
37 *each county, the criteria shall include, but need not be*
38 *limited to, the following:*

39 (1) The number of high-risk plant shipments entering
40 each county.

1 (2) The number of high-risk entry points in each
2 county.

3 ~~(3) The amount of passenger terminal volume~~
4 ~~arriving from high-risk origins.~~

5 (3) *The number of state action quarantine pests*
6 *intercepted or detected annually in each county.*

7 (4) The work hours expended by each county in
8 conducting exclusion of high-risk pests.

9 ~~(5) The effectiveness of the high-risk pest exclusion~~
10 ~~program in each county.~~

11 (5) *The rate of interceptions and rejections per*
12 *inspection activity.*

13 (b) To remain eligible for funding under this section,
14 a county shall maintain its support of ongoing operational
15 costs of the county agricultural commissioner programs
16 listed in subdivision (b) of Section 2282, at 1997–98 fiscal
17 year levels.

18 (c) In no case may the allocation of funds to counties
19 provided by this section be ~~less than~~ *substantially used to*
20 *replace* the amount expended in each county for the
21 exclusion of high-risk pests ~~during~~, *based on levels*
22 *established in the 1997–98 fiscal year.*

23 (d) This section shall remain in effect only until July 1,
24 1999, and as of that date is repealed, unless a later enacted
25 statute that is enacted before July 1, 1999, deletes or
26 extends that date.

27 SEC. 8. Section 2287 is added to the Food and
28 Agricultural Code, to read:

29 2287. (a) Whenever the commissioner determines
30 that it is necessary to more effectively or more efficiently
31 carry out a program listed in subdivision (b) of Section
32 2282, the commissioner may enter into a mutual aid
33 agreement with other counties for the purpose of sharing
34 staff, equipment, expertise, information, and other
35 resources necessary to meet the needs of the program.

36 (b) This section shall remain in effect only until July 1,
37 1999, and as of that date is repealed, unless a later enacted
38 statute that is enacted before July 1, 1999, deletes or
39 extends that date.

1 SEC. 9. Notwithstanding Section 17610 of the
2 Government Code, if the Commission on State Mandates
3 determines that this act contains costs mandated by the
4 state, reimbursement to local agencies and school
5 districts for those costs shall be made pursuant to Part 7
6 (commencing with Section 17500) of Division 4 of Title
7 2 of the Government Code. If the statewide cost of the
8 claim for reimbursement does not exceed one million
9 dollars (\$1,000,000), reimbursement shall be made from
10 the State Mandates Claims Fund.

11 Notwithstanding Section 17580 of the Government
12 Code, unless otherwise specified, the provisions of this act
13 shall become operative on the same date that the act
14 takes effect pursuant to the California Constitution.

15 SEC. 10. This act is an urgency statute necessary for
16 the immediate preservation of the public peace, health,
17 or safety within the meaning of Article IV of the
18 Constitution and shall go into immediate effect. The facts
19 constituting the necessity are:

20 In order to stem the flow of exotic pests into the state
21 at the earliest possible date, it is necessary for this act to
22 take effect immediately.

